

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg DIVISION

APR 02 2018

JULIA C. DUDLEY, CLERK
BY: JD DEPUTY CLERK

Barb, Terry W.

Plaintiff(s),

v.

Civil Action No.: 5:18-CV-00059
(To be assigned by Clerk of District Court)

Magistrate Court of Hardy County, WV
Shawna M. Crites, Magistrate

Defendant(s).

(Enter the full name(s) of ALL parties in this lawsuit.

Please attach additional sheets if necessary).

COMPLAINT

PARTIES

1. List all Plaintiffs. State the full name of the Plaintiff, address and telephone number. Do the same for any additional Plaintiffs.

a. Plaintiff No. 1

Name: Terry Wayne Barb

Address: P.O. Box 705 Fulk's Run, Va 22830

Telephone Number: 540-405-1366

b. Plaintiff No. 2

Name: _____

Address: _____

Telephone Number: _____

2. List all Defendants. State the full name of the Defendant, even if that Defendant is a government agency, an organization, a corporation, or an individual. Include the address where each Defendant may be served. Make sure that the Defendant(s) listed below are identical to those contained in the above caption of the complaint.

a. Defendant No. 1

Name: Magistrate Court of Hardy County, West Virginia
Shawna M. Crites, Magistrate
204 Washington Street
 Address: Moorefield, WV 26836-1156

b. Defendant No. 2

Name: State of West Virginia Prosecuting Attorney
Lucas J. See, Prosecuting Attorney, Hardy County
204 Washington Street
 Address: Moorefield WV 26836-1156

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g. Additional Defendants 2.c., 2.d., etc.).

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case. Federal courts also have jurisdiction over cases where the United States is a Defendant.

3. What is the basis for federal court jurisdiction?

☐ Federal Question

☐ Diversity of Citizenship

☐ Government Defendant

4. If the basis for jurisdiction is Federal Question, which Federal Constitution, statutory or treaty right is at issue? List all that apply.

(6.)

(5.) On December 4, 2017 I went in front of Shawna M. Crites Magistrate of Hardy County which she wrote up my terms and conditions for Sentencing which I have followed. The additional terms and conditions was to attend Anger Management Counseling which I did online and the requirements were fulfilled. I have a Certificate of Completion along with a copy of the topics covered. The Magistrate and Prosecuting Attorney of Hardy County was not satisfied with the online class and it did not say that I could not take an online Anger Management class, I found something that would work for me. Since I did not know when I would be called back to work. Since then they are stating that I need to go to another place or I will be arrested.

(6.) CPS from West Virginia and Virginia was called and tried to charge myself and my wife with inadequate supervision of our daughters who are 12 and 15. They have closed the case since they could not find anything but it's on our background for the next three years. They said it had to do with this case.

Defendant No. 2

State of West Virginia Prosecuting Attorney
Lucas J. See - Prosecuting Attorney, Hardy County
204 Washington Street
Moorefield WV 26836

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff No. 1: _____ State of Citizenship: _____

Plaintiff No. 2: _____ State of Citizenship: _____

Defendant No. 1: _____ State of Citizenship: _____

Defendant No. 2: _____ State of Citizenship: _____

Attach additional sheets of paper as necessary and label this information as paragraph 5. Check here if additional sheets of paper are attached. ☐

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Do not give any legal arguments or cite cases or statutes. Each paragraph must be numbered separately, beginning with number 6. Please write each single set of circumstances in a separately numbered paragraph.

6. ① On August 6, 2017 at 3295 South Fork Road, Moorefield, WV 26836 I was arrested and the next morning I appeared by phone from the jail from the Potomac Highland Regional Jail with Craig Hose Magistrate, Hardy County WV. The information of myself from the year I was born is incorrect. It states 09/30/1961 which it should be 09/30/1963. Magistrate Shawna M. Crites

② The Magistrate Court of Hardy County West Virginia, Shawna Crites, Magistrate recorded that I obtain a West Virginia Drivers License # E620223

I have not had a West Virginia driver's license since the 1990's or early 2000. I have had a Virginia Driver's License since early 2000, They are saying I carry two sets of operators.

③ My bond was set at \$10,000 cash only, When I went before Craig Hose Magistrate with no restrictions. When my wife Melissa Barb dropped the DVP order which was granted on August 29, 2017. The following week I went before Shawna M. Crites Magistrate for a bail reduction than there were restrictions put forth that I could not be around my wife and daughters only through counseling sessions.

④ On December 4, 2017 the Hardy County District Attorney Lucas See dismissed the Domestic Battery and Domestic Assault (3) Count Charges. Then turned around and charged me with Sexual Assault on minors under the age of 16. These are false charges.

Attach additional sheets of paper as necessary and label them as Additional Facts and continue to number the paragraphs consecutively. Check here if additional sheets of paper are attached. ☒

REQUEST FOR RELIEF

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

My record cleared from these charges. All fines including
Court Costs dismissed. ~~by~~

DEMAND FOR JURY TRIAL:

☐ YES

☐ NO

Signed this 2 day of April, 2018.

Signature of Plaintiff No. 1

Terry Baul

Signature of Plaintiff No. 2

NOTE: All Plaintiffs named in the caption of the complaint must date and sign the complaint. Attach additional sheets of paper as necessary.